

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|----------------------------------|---|-----------------|
| CHEVELLE TINGEN, |) | |
| |) | Civil Action |
| Plaintiff |) | No. 02-CV-04663 |
| |) | |
| vs. |) | |
| |) | |
| ROBERT L. ECKLIN, JR., |) | |
| Individually and doing business |) | |
| as ECKLIN DEVELOPMENT GROUP, and |) | |
| DENNIS SCHOPF, |) | |
| |) | |
| Defendants |) | |

O R D E R

NOW, this 17th day of January, 2004, upon consideration of Plaintiff's Motion in Limine and Motion to Strike Testimony of Robert Henkel filed September 15, 2003, which motion is unopposed; it appearing that Robert Henkel is not listed as a potential witness in Defendant's Pretrial Memorandum filed September 15, 2003,

IT IS ORDERED that plaintiff's motion is granted in part and denied as moot in part.

IT IS FURTHER ORDERED that plaintiff's motion in limine is granted as uncontested.

IT IS FURTHER ORDERED that defendant is precluded from calling Robert Henkel as a witness or producing any evidence regarding Mr. Henkel at the trial of this matter.

IT IS FURTHER ORDERED that plaintiff's motion to strike Robert Henkel's deposition from the record is denied as moot.¹

BY THE COURT:

James Knoll Gardner
United States District Judge

¹ It is unnecessary to strike Mr. Henkle's deposition from the record of this matter because it is not a part of the record in this case. The only place that the deposition transcript has been filed in this matter is as an exhibit to plaintiff's within motion. Because defendant did not respond to the within motion and because defendant did not include Mr. Henkel as a potential witness at the trial of this case, we granted plaintiff's motion in limine above. However, because Mr. Henkle will not be called as a witness by defendants and because his deposition testimony will not be admitted at trial, it is not necessary to strike his deposition testimony. Accordingly, we deny plaintiff's motion to strike as moot.